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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/246,389	02/09/1999	ANTHONY J. DEZONNO	97RSS430/713	6116

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/246,389

Applicant(s)

DEZONNO, ANTHONY J.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 31, 2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1-3 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by Edwards et al. (US 6,650,748 B1).

Regarding **claim(s) 1**, Edwards discloses a method of reducing system messages traffic among system peripherals of an automatic call distributor (FIG. 3 and column 1, lines 7-12), such method comprising the steps of:

forming a message table (318 on FIG. 3) in a first system peripheral (316 on FIG. 3) of the automatic call distributor where the message table contains indicia (column 14, line 55 "a unique call index") that controls whether system messages are broadcast to other system peripherals of the automatic call distributor or deleted based upon a message type defined by the indicia (FIG. 3 and column 13, line 59 to column 14, line 3); and

broadcasting a system message (column 14, line 7 "a call retrieval message") received by the first system peripheral from a source system peripheral (312 on FIG. 3) to other system peripherals (108 on FIG. 3) of the automatic call distributor when the message table indicates that the system message should forwarded (column 14, lines 4-10) and otherwise deleting the system message when a comparison of the indicia within the message table with a content of the message indicates that the message should be deleted (FIG. 3 and column 14, lines 11-19).

Regarding **claim(s) 2**, Edwards discloses entering an identifier of a message to be forwarded into the formed message table in the peripheral (column 14, lines 52-58).

Regarding **claim(s) 3**, Edwards discloses the step of entering the identifier of the message further comprises entering a corresponding destination identifier to the entry (column 14, lines 52-58).

Regarding **claim(s) 10**, Edwards discloses the method of reducing message traffic further comprising step of comparing an identifier of a message with a list of unnecessary messages and discarding the message when a match is found between the identifier of the message and an entry of the list of unnecessary messages (column 13, lines 11-32).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claim(s) 4-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Kelly, Jr. et al. (US 5,335,268).

Regarding **claim(s) 4**, Edwards as applied to **claim(s) 3** differs from **claim(s) 4**, in that it fails to disclose a reference to a line of a message matrix.

However, Kelly teaches the step of entering the identifier further comprising providing a reference to a line of a message matrix (column 6, lines 11-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the routing plan in the form of the matrix to provide a reference to a line of the matrix of Kelly in the database table of Edwards.

The modification of the invention would offer the capability of the routing plan in the form of the matrix to provide a reference to a line of the matrix such as the system would dynamically balancing special telephony traffic for clearing the overflow traffic would enhanced.

Regarding **claim(s) 5**, Edwards discloses the step of sending the list of unnecessary messages further comprises storing the list in said table of the automatic call distributor (column 14, lines 11-19).

Regarding **claim(s) 6**, Edwards discloses forming a message for transmission to a set of peripherals, including the peripheral (column 13, lines 12-32).

Regarding **claim(s) 7**, Edwards discloses the step of forming a message for transmission to a set of peripherals further comprises retrieving an identifier of said peripheral of the set of peripherals (column 13, lines 12-32).

Regarding **claim(s) 8**, Edwards discloses the step of retrieving an identifier of said peripheral of the set of peripherals further comprises retrieving the list of unnecessary messages from said table based upon said identifier of said peripheral (column 14, lines 11-19).

7. **Claim(s) 11-19 and 21-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Estakhri et al. (US 6,393,513 B2).

Regarding **claim(s) 11 and 21**, Edwards disclose all the limitations of **claim(s) 11 and 21** as stated in **claim(s) 1**'s rejection above and furthermore Edwards discloses the multiple call handling application updating the database (column 16, lines 38-46) but fails to disclose means for amending the table upon startup of the peripheral.

However, Estakhri teaches a means for amending the table upon startup of the peripheral (column 14, lines 40-50).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Edwards adding the software as taught by Estakhri.

The modification of the invention would offer the capability of amending the table upon startup of the peripheral so that the user would have the new calls updated when the system is powered-up.

Regarding **claim(s) 12 and 22**, Edwards discloses means for forming a list of identifiers of unnecessary messages in the peripheral to upon startup (column 14, lines 11-19).

Regarding **claim(s) 13 and 23**, Edwards discloses the means for forming the list of unnecessary messages further comprises means for retrieving the list from memory (column 14, lines 11-19).

Regarding **claim(s) 14 and 24**, Edwards discloses means for sending the list of unnecessary messages to the automatic call distributor (column 14, lines 11-19).

Regarding **claim(s) 15**, Edwards discloses the step of sending the list of unnecessary messages further comprises storing the list in said table of the automatic call distributor (column 14, lines 11-19).

Regarding **claim(s) 16**, Edwards discloses forming a message for transmission to a set of peripherals, including the peripheral (column 13, lines 12-32).

Regarding **claim(s) 17**, Edwards discloses the step of forming a message for transmission to a set of peripherals further comprises retrieving an identifier of said peripheral of the set of peripherals (column 13, lines 12-32).

Regarding **claim(s) 18**, Edwards discloses the step of retrieving an identifier of said peripheral of the set of peripherals further comprises retrieving the list of unnecessary messages from said table based upon said identifier of said peripheral (column 14, lines 11-19).

Regarding **claim(s) 19**, Edwards discloses the step of retrieving the list further comprises comparing an identifier of the message with the list of unnecessary messages transmitted from said peripheral to the automatic call distributor (column 14, lines 11-19).

Regarding **claim(s) 25**, Edwards discloses the apparatus for reducing message traffic further comprising a communication processor adapted to send a list of unnecessary messages to the automatic call distributor and a receiving processor adapted to store the list in said message table of the automatic call distributor (column 14, lines 11-19).

Allowable Subject Matter

8. **Claim(s) 9 and 20** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to **claim(s) 1-25** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2645

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

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November 21, 2005